

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

PHYLLIS BARNES,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 12-823V

Special Master Christian J. Moran

Filed: May 29, 2013

Attorneys' fees and costs; stipulation of
fact; award in the amount to which
respondent does not object

Mark T. Sadaka, Englewood, NJ, for Petitioner;

Tara J. Kilfoyle, U.S. Department of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

Petitioner, Phyllis Barnes, filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter on May 23, 2013. Previously, Ms. Barnes informally submitted a draft application for attorneys' fees and costs to respondent for review. In informal discussions, respondent raised objections to certain items. Based on these objections, petitioner amended her application to request \$10,193.37, an amount to which respondent does not object. The Court awards this amount.

Ms. Barnes filed for compensation on November 29, 2012 alleging that she was injured by the influenza vaccine she received on September 30, 2011. Ms. Barnes received compensation based upon the parties' stipulation. Decision, filed May 20, 2013. Because Ms. Barnes received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Ms. Barnes seeks a total of **\$10,193.37** in attorneys' fees and costs for her counsel. On May 28, 2013, in compliance with General Order No. 9, Ms. Barnes filed a statement indicating

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

that she incurred no out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the court awards a check made payable to petitioner and petitioner's attorney, Mark T. Sadaka, in the amount of **\$10,193.37** for attorneys' fees and other litigation costs. The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.